



08-03-05

IFW

Attorney Docket No.: 030867

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

In re application of
Sikorski

Group Art Unit No.
1761

Serial No.: 10/723,490

FOODS AND DRINKS
CONTAINING DIACYLGLYCEROL

Filing Date: November 26, 2003

INFORMATION DISCLOSURE STATEMENT

Pittsburgh, Pennsylvania 15222

August 2, 2005

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants, in accordance with their duty of disclosure pursuant to 37 C.F.R. § 1.56, hereby advise the United States Patent and Trademark Office of the references listed on the accompanying form PTO/SB/08A (substitute for 1449A/PTO) *Information Disclosure Statement by Applicant*. Copies of each non-U.S. Patent reference cited therein are herewith enclosed, as well as an English abstract for the cited Japanese reference.

"Express Mail" mailing label number EQ085321771US

Date of Deposit August 2, 2005

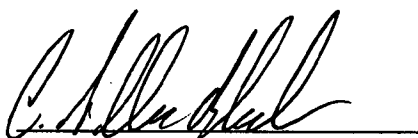
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Applicants note that although the cited references may be relevant to the examination of the above-referenced application, under 37 C.F.R. § 1.97(h), the filing of this *Information Disclosure Statement* "shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b)."

Applicants further note that the filing of this *Information Disclosure Statement by Applicant* is not an admission that the references cited herein constitute prior art under 35 U.S.C. §§ 102-103 with respect to the captioned application.

Pursuant to 37 C.F.R. § 1.97(b) (3), Applicants submit that no fee is necessary for consideration of this *Information Disclosure Statement by Applicant*. Nevertheless, the Commissioner is hereby authorized to charge any additionally required fees deemed necessary for consideration of this *Information Disclosure Statement by Applicant* to Account No. 11-1110

Respectfully submitted,

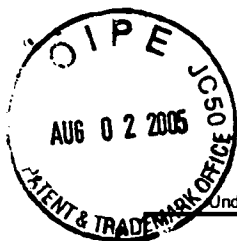
A handwritten signature in black ink, appearing to read "C. Allen Black, Jr.", written over a horizontal line.

C. Allen Black, Jr.
Registration No. 53,835

Attorney for Applicants

Kirkpatrick & Lockhart
Nicholson Graham LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312
(412) 355-6319
(412) 355-6501 (FAX)

Customer No.: 41835



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/723,490
		Filing Date	November 26, 2003
		First Named Inventor	Dawn Sikorski
		Art Unit	1761
Examiner Name			
Sheet 1 of 1	Attorney Docket Number	030867	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
/LT/		US-3,145,109	08/18/1964	Howard	
/LT/		US-6,020,017	01/02/2000	Mingione	
/LT/		US-2003-0143312	07/21/2003	Tamarkin et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
/LT/		GB 588 958	06/06/1947	Roos		
		EP 0 970 615	01/12/2000	Mori		
		EP 0 990 391	04/05/2000	Goto et al.		
		WO 03/024237	03/27/2003	Takase et al.		
		EP 0 750 848	01/02/1997	Kobori et al.		
		WO 03/094634	11/20/2003	Boice et al.		
		EP 0 836 805	01/22/1998	Gotoh et al.		
/LT/		JP 2001098294 (English abstract)	04/10/2001	Koji et al.		
		JP 2001204378	07/31/2001	Nishiyama		X

Examiner Signature	/Lien Tran / (04/09/2008)	Date Considered	/Lien Tran / (04/09/2008)
--------------------	---------------------------	-----------------	---------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.